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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/787,479
Filing Date: February 26, 2004
Appellant(s): DETTINGER ET AL.

Gero G McClellan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/25/08 appealing from the Office action mailed 3/21/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020128949	Wiesenhuegel et al.	9-2002
20020052895	Keating	5-2002
20040187093	Hogan	9-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 5, 6, 11 – 13, 15, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieseuegel et al. (US 20020128949 A1) as applied to claims 1 and 11 above, and further in view of Keating (US 20020052895 A1) and Hogan (US 20040187093 A1).

Regarding independent claim 1, Wieseuegel et al. teach that the network dispatchers receive broker requests for offerings by a proxy server. Thus, the guest brokers may use their web browser personal computers or wireless web browsers, to query the outside database via a computer network such as the Internet (paragraph block 0058), which meet the limitation of **receiving a request for a web page comprising displayable content including user-selectable elements through which a user invokes one or more executable functions;**

Wieseuegel et al. teach that a web page including a place bid button or icon is sent to the bidder including the information about the products to which he is entitled to bid normally (paragraph block 0067), which meet the limitations of **providing the web**

page with the displayable content; and parsing the web page to identify the user-selectable elements.

Wiesehuegel et al. teach that for items which a bidder is only allowed to read as a guest, the bid button is either disabled ("grayed out") and provided with an informational message such as "Sorry, you are not allowed to bid on this item at this time", or the bid button is removed from the web page entirely (paragraph block 0067), which meet the limitation of **disabling at least a portion of the user-selectable elements on the basis of a pre- defined transform definition to produce a re-configured web page, thereby making the one or more executable functions corresponding to the portion of the user-selectable elements unavailable to the user viewing the re-configured web page;**

Wiesehuegel et al. teach that for those items to which he is entitled to view information but restricted from bidding, the information (or a subset of the information) regarding the items will be displayed with all bidding actions disabled or with no bidding actions given (paragraph block 0066), which meet the limitation of **returning the re-configured web page for display.**

Wiesehuegel et al. do not explicitly teach that **wherein the pre-defined transform definition is an XSL transform defined for the web page, applied by an XSL transform engine, and specifying the portion of the user- selectable elements to be disabled.**

Keating teaches that the prior art teaches that the XSL language permits user to alter and modify XML documents. In particular, XSL consists of two parts including a

Art Unit: 2176

method for transforming XML documents and a method for formatting XML documents. XSL can also add completely new elements into the output file or remove elements. It can rearrange and sort the elements, and test and make decisions about which elements to display, and a lot more (paragraph block 0008), which meet the limitation of **wherein the pre-defined transform definition is an XSL transform defined for the web page, applied by an XSL transform engine, and specifying the portion of the user-selectable elements to be disabled.**

Because both Wiesenhuegel et al. and Keating teach methods of using a pre-defined transform, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one method for the other to achieve the predictable result of using a pre-defined XSL transform.

Neither Wiesenhuegel et al. nor Keating explicitly teach **making the one or more executable functions ... unavailable ... without setting values of variables within an underlying application code.**

Hogan teaches that the prior art teaches that building and displaying dynamic graphical user interfaces (GUIs) that can be updated automatically without requiring code-level modification and recompiling (paragraph block 0004), which meet the limitation of **making the one or more executable functions ... unavailable ... without setting values of variables within an underlying application code.**

Because both the combination of Wiesenhuegel et al. and Keating and Hogan teach methods of translating source information into target information, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute

Art Unit: 2176

one method for the other to achieve the predictable result of translating without modifying the underlying application code.

Regarding dependent claim 2, Wiesehuegel et al. teach that for items which a bidder is only allowed to read as a guest, the bid button is disabled ("grayed out") (paragraph block 0067), which meet the limitation of **the portion of the user-selectable elements for which the one or more executable functions are made unavailable remain visible while the one or more executable functions are unavailable**.

Regarding dependent claim 3, Wiesehuegel et al. teach that for items which a bidder is only allowed to read as a guest, the bid button is removed from the web page entirely (paragraph block 0067), which meet the limitation of **disabling comprises removing the portion of the user-selectable elements from the web page prior to returning the re- configured web page**.

Regarding dependent claim 5, Wiesehuegel et al. teach that a web page including a place bid button is sent to the bidder (paragraph block 0067), which meet the limitation of **the user-selectable elements are graphical user interface elements**.

Regarding dependent claim 6, Wiesehuegel et al. teach that the guest brokers may use their web browser personal computers or wireless web browsers, to query the

outside database via a computer network such as the Internet (paragraph block 0058), which meet the limitation of **the request is issued by a web browser**.

Regarding claims 11 – 13, 15, 24 and 25, the claims incorporates substantially similar subject matter as claims 1 – 3, 5 and 6, and are rejected along the same rationale.

(10) Response to Argument

In response to applicant's argument (pp 15 – 17, Item 1) that Wiesehuegel et al. fail to teach **parsing the web page to identify the user-selectable elements** and **returning the re-configured web page for display** because Wiesehuegel's server side technology cannot parse the web page nor reconfigure it for display on the client.

First, the alleged client side processing of applicant's invention has no support. This fundamental difference is not indicated in applicant's specification nor drawings. For example, Figs 1 and 6 help illustrate the following disclosure:

FIG. 6 illustrates one embodiment of what may be considered the runtime application of a transform definition in the data processing environment 100 of FIG.1. In particular, the user operating the browser 110 on a client computer 102 establishes a network connection over the network 106 and issues page requests to an application 108 for which a transform definition 508 exists. In response to a request, the application 108 generates/retrieves the requested page 604. Before returning the page 604 to the browser 110, the transform definition 508 is applied to the requested page 604. As a result, a reconfigured page 606 is produced. The reconfigured page 606 is then returned to the user for display in the browser interface (p 10, paragraph block 0031).

Clearly from applicant's own disclosure, the server parses the web page and reconfigures it before returning the web page to the client's browser for display.

In response to applicant's argument (pp 17 and 18, Item 2) that Wieseuegel does not expressly disclose providing the reconfigured web page **for display**, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

By applicant's own admittance, Wieseuegel describes certain information being displayed and that bidding actions may be disabled or not displayed at all (Item 2, second paragraph). Applicant further asserts that the cited portion of Wieseuegel does not describe a technology used to implement displaying. However, displaying is simply a recited intended use for the reconfigured web page; thus, the argument is moot.

In response to applicant's argument (p 18, item 3) that the Office erred in asserted that Wieseuegel teaches applicant's independent claims 24 and 25 based on the fact that they are substantially similar to independent claims 1 and 11. First, it should be noted that claims 1 and 11 stand rejected under Wieseuegel and in further view of Keating and Hogan. Secondly, the Office maintains that claims 11 – 13, 15, 24 and 25 incorporate substantially similar subject matter as claims 1 – 3, 5 and 6, and are rejected along the same rationale.

To that end, the Office never equates claims 1 and 11 to claims 24 and 25. It appears that applicant is trying to confuse the record by mischaracterizing the final office action. In any event the two limitations that applicant feel have been neglected by the office, graphical user interface elements and a remotely located client computer executing a browser over a network, are indeed addressed and rejected. These limitations are found to be substantially similar to the limitations recited in claims 5 and 6, respectively.

Finally, it should be noted that applicant has chosen not to argue these claims; thus, it is assumed that Wieseuegel does indeed meet these limitations.

In response to applicant's argument (pp 18 and 19, Item 4) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., client side processing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Not only is this alleged novel and unobvious feature not claimed but there is no support in the specification. That is to say, applicant appears to mischaracterize his own invention. According to Figs 1 and 6 of Applicant's disclosure, applicant's invention employs seemingly the same server side processing as Wieseuegel. Specifically, the specification on page 10 at paragraph block 0031 states:

FIG. 6 illustrates one embodiment of what may be considered the runtime application of a transform definition in the data processing

Art Unit: 2176

environment 100 of FIG.1. In particular, the user operating the browser 110 on a client computer 102 establishes a network connection over the network 106 and issues page requests to an application 108 for which a transform definition 508 exists. In response to a request, the application 108 generates/retrieves the requested page 604. Before returning the page 604 to the browser 110, the transform definition 508 is applied to the requested page 604. As a result, a reconfigured page 606 is produced. The reconfigured page 606 is then returned to the user for display in the browser interface.

Thus, applicant's entire argument that Wieseuegel simply cannot teach the limitations of 'parsing the webpage to identify the user selectable elements' and 'producing a reconfigured webpage for display' because Wieseuegel discloses using only the server side processing appears to be plucked out of thin air with no basis in fact according to applicant's own specification, figures, and the rest of applicant's disclosure.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2176

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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